

REMARKS

Claims 2, 5, 8 and 23-33 have been canceled. Claims 1, 3, 4, 6, 7 and 9-22 have been amended. New claims 34 and 35 have been added to further protect the invention. Examination of the amended application respectfully is requested.

Firstly, it is noted that the pending Examiner's Action indicates, and a telephone conference with the Examiner on August 26, 2003 confirms, that the amendments to the claims of the International application filed under PCT Article 19 (35 USC 371(c)(2)) were not entered. Moreover, the Notification of Acceptance dated July 18, 2001, does not acknowledge receipt of such Article 19 amendments. However, the amendments were in fact submitted attached behind the Abstract of the application (the translation of the International application into English). A copy of those amendments and a copy of the new application transmittal sheet for the application (entitled "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371") are attached. It is further noted that the amendments are reflected in part in the Preliminary Amendment filed with the application. For example, reference is made in the Preliminary Amendment to claims 34 and 35, which claims were added in the Article 19 amendments, and references to "a ferroelectric or a high

dielectric material" in the claim preambles were only added in the Article 19 amendments.

For the sake of convenience, since the Article 19 amendments never were entered, they have been incorporated as amendments into the present claim amendments, including those incorporated but not added in the recitations of the claims presented in the Preliminary Amendment. Some of these amendments are substantive and would clearly distinguish the invention over the prior art cited in the present Office Action. Therefore, in the event that the present amended claims are rejected on new grounds, it is respectfully submitted that such rejection should not, and it is respectfully requested that any such rejection be made "nonfinal." On August 26, 2003, during a telephone conference with the Supervisory Patent Examiner, Mr. Nelms, Mr. Nelms indicated to the undersigned a likelihood that the last mentioned request would be honored, so that any next Action rejecting claims would be nonfinal. The undersigned wishes to thank Examiners Nelms and Ngu for their kindness and helpfulness during the telephone conferences.

The Examiner rejected claims 1 and 8 under 25 USC 112, second paragraph, as being indefinite. Claim 8 has been canceled. Claim 1 has been amended to eliminate the "means" clause found unclear to the Examiner. The

AMENDMENT

(09/856,818)

rejection is therefore inapplicable to the amended claims and accordingly should be withdrawn.

The Examiner also rejected claims 1-22 under 35 USC 102(b) as being anticipated by Background of Invention (BOI), or in the alternative under 35 USC 103(a) as being unpatentable over *Nakayama et al.* Independent claim 1 has been amended to clarify that the method of the invention includes a step of forming a film by coating over a substrate a solution of an organic compound material containing a metal element, and forms a solid of a ferroelectric or high dielectric material. The rejection clearly is inapplicable to the amended claim. For example, the prior method described in the Background of the Invention of the present specification clearly does not describe a method that includes forming a film by coating over a substrate a solution of an organic compound material containing a metal element. *Nakayama et al.* fail to disclose a method of forming a solid of a ferroelectric or a high dielectric material, but merely disclose a method of improving film quality of silica-based film. The disclosure of *Nakayama et al.* has nothing whatsoever to do with the formation of a solid of ferroelectric or a high dielectric material. The rejection therefore clearly is inapplicable to amended claim 1 and claims depending therefrom.

Claims 2, 5 and 8 have been canceled. The prior art rejection therefore

clearly is moot as to these claims. Claims 6 and 7 have been amended to be in independent form and include the distinguishing limitations of claim 1 referred to above. Therefore the rejection is inapplicable to these claims for at least the reasons advanced above as to the patentability of claim 1.

The remaining claims 3, 4 and 9-22 depend from claim 1. Therefore, the rejection of these claims are likewise inapplicable for at least the reasons advanced above as to the patentability of claim 1.

Based on the above, it is submitted that the application is in condition for allowance, and such a Notice, with allowed claims 1, 3, 4, 6, 7, 9-22, 34 and 35, earnestly is solicited.

Respectfully submitted,



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Date

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AMENDMENT

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